

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Fotouhi, David
Sent: Mon 11/27/2017 1:31:51 PM
Subject: FW: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

FYI

David Fotouhi

Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Message-----

From: Dubey, Susmita
Sent: Monday, November 27, 2017 8:30 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

Ex. 5 - Deliberative Process

Susmita Dubey
Office of General Counsel
202-564-5577

-----Original Message-----

From: Grantham, Nancy
Sent: Saturday, November 25, 2017 2:56 PM
To: Aarons, Kyle <Aarons.Kyle@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

Ex. 5 - Deliberative Process

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Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Aarons, Kyle

Sent: Tuesday, November 21, 2017 3:59 PM

To: Dubey, Susmita <dubey.susmita@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>

Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: RE: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

Ex. 5 - Deliberative Process

Thanks,

Kyle

Kyle Aarons

Congressional Affairs

U.S. Environmental Protection Agency

202-564-7351

From: Dubey, Susmita

Sent: Tuesday, November 14, 2017 1:27 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov <mailto:Forsgren.Lee@epa.gov> >; White, Elizabeth <white.elizabeth@epa.gov <mailto:white.elizabeth@epa.gov> >

Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov <mailto:Neugeboren.Steven@epa.gov> >; Fotouhi, David <Fotouhi.David@epa.gov <mailto:Fotouhi.David@epa.gov> >; Miller, Kevin <Miller.Kevin@epa.gov <mailto:Miller.Kevin@epa.gov> >; Rementer, Nicole <rementer.nicole@epa.gov <mailto:rementer.nicole@epa.gov> >; Wehling, Carrie <Wehling.Carrie@epa.gov <mailto:Wehling.Carrie@epa.gov> >

Subject: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

Below for your review is a link to a proposed document release under the Freedom of Information Act relating to the Waters of the United States Rule. The production is scheduled for November 30.

Background

On March 22, 2017, EPA received a FOIA request from the Center for Biological Diversity (CBD) requesting certain records relating to the development and implementation of EO 13778, relating to the Waters of the United States Rule. On April 19, EPA received a second request from CBD requesting records relating to EPA's revision of the rule. On June 1, CBD filed a complaint in the federal district court for the District of Columbia alleging that EPA failed to respond to the first request. Subsequently, CBD amended its complaint to add allegations claiming that EPA failed to respond to the April 19 request. On September 29, EPA filed a status report with the court describing the search it was conducting and explaining that the search conducted for both requests identified approximately 90,000 potentially responsive records. EPA further stated that it intended to review 2000 documents per month and would produce a monthly rolling release of responsive, non-privileged documents, with the first release on or about November 30.

Proposed production

The proposed document release for the November 30 production is available through the Sharepoint link below, in four separate pdf files. I have also attached the FOIA requests at issue. The proposed release includes 134 documents totaling approximately 1300 pages, and reflects a search conducted for

responsive documents created between January and April 2017.

Ex. 5 - Deliberative Process Attorney Client

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Please send me any comments via email, referencing the DOC ID (stamped on the bottom of each page). I will then be able to go into Relativity and address any concerns. Please feel free to contact me with any questions. Thank you for your time on this.

https://usepa-my.sharepoint.com/personal/dubey_susmita_epa_gov/Documents/CBD%20FOIA%20Production?csf=1&e=d0ab83b0bee44691a9a71297fbc511e1

Susmita Dubey

Office of General Counsel

202-564-5577